

EXHIBIT 4

From: [Carson Olsheski](#)
To: [Jared Bunker](#)
Cc: [Apple Masimo Service](#); [Palapura, Bindu A.](#); [Moore, David E.](#); [Kendall Loebbaka](#); [Jamie Kringstein](#); [Justin Gillett](#); [Knobbe.MasimoDE](#); [Jack Phillips](#); [Megan C. Haney](#); [Milici, Jennifer](#); [Greenfield, Leon](#); [Vote, Dominic](#); [Ford, Mark](#)
Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures
Date: Wednesday, July 5, 2023 11:07:21 AM

Jared,

I write to memorialize the discussion during our July 3 conferral regarding Masimo's objection to Dr. Irazoqui. Masimo indicated it wanted to know about Dr. Irazoqui's planned and future work on non-invasive physiological monitoring at Neurava. I explained that Dr. Irazoqui does not work for Neurava in any way. He does not consult for Neurava, is not paid by Neurava, and Neurava does not sponsor any work in Dr. Irazoqui's lab. And none of Dr. Irazoqui's students work with Neurava either.

As you know, the Protective Order requires parties to "provide such other information regarding **the Person's** [i.e., disclosed expert] professional activities reasonably requested by the Producing Party for it to evaluate whether good cause exists to object to the disclosure of Protected Material to the outside expert or consultant." See D.I. 119, ¶ 12.(a)(vi). Masimo's request for information regarding any of **Neurava's** work in non-invasive physiological monitoring is not required by the protective order—Dr. Irazoqui does no work for Neurava, thus Masimo's request does not concern Dr. Irazoqui's work. Moreover, the request is not reasonable because it calls for information not in Apple or Dr. Irazoqui's possession, but in Neurava's.

I previously provided publicly available information regarding Neurava by directing Masimo to its website. The website explains that Neurava works on "wearables [that] record key biological signals related to epilepsy and SUDEP [i.e., Sudden Unexpected Death from Epilepsy]." See <https://neurava.com/index.html>.

We trust this resolves Masimo's objection, but will separately respond with any edits to Masimo's motion for teleconference.

Best,

Carson Olsheski
Desmarais LLP
230 Park Avenue
New York, NY 10169
212-808-2911 | direct

From: Jared Bunker <Jared.Bunker@knobbe.com>
Sent: Wednesday, July 5, 2023 1:40 PM

To: Carson Olsheski <COlsheski@desmaraisllp.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: [Ext] RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

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Carson,

Please review the attached draft motion for teleconference regarding Apple's proposed disclosure to Dr. Irazoqui and let us know by tomorrow morning whether Apple has any edits. Please also provide three dates over the next two weeks that Apple is available for the teleconference with the Court.

Sincerely,
Jared

Jared Bunker
Partner
949-721-2957 Direct
Knobbe Martens

From: Carson Olsheski <COlsheski@desmaraisllp.com>

Sent: Friday, June 30, 2023 6:24 PM

To: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Good evening Kendall,

I can confer with you at 2:00pm Eastern on Monday. Prior to conferral, please provide the basis for your objection, and describe—with particularity—what you would like to know about Dr. Irazoqui's

work. Although Masimo articulated that it was not “seeking a description of all of Dr. Irazoqui’s past and planned future work in wearables” you now request “an understanding of Dr. Irazoqui’s current and planned research and work on technology.” We would like to work with you to resolve this apparent dispute but need to know how to resolve it. If you have specific questions to ask of Dr. Irazoqui, please provide them immediately so we can attempt to ascertain answers over the weekend.

Carson Olsheski
Desmarais LLP
230 Park Avenue
New York, NY 10169
212-808-2911 | direct

From: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>
Sent: Friday, June 30, 2023 8:49 PM
To: Carson Olsheski <COlsheski@desmaraisllp.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>
Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>
Subject: [Ext] RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

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Carson,

Please see the attached correspondence.

Best regards,
Kendall

Kendall Loebbaka
Partner
949-721-7687 Direct

Knobbe Martens

From: Carson Olsheski <COlsheski@desmaraisllp.com>

Sent: Thursday, June 29, 2023 4:37 PM

To: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Hi Kendall,

In addition to other items, your initial email asked to “[p]lease also provide information on **any plans to work with wearable devices in the future**” which is unreasonable. We now understand your request to be limited to the current commercial, wearable products Dr. Irazoqui is working on at Neurava and Bionode. Neurava’s work is described on its website (https://us01.z.antigena.com/l/DU09rPqXA77uHqn56J_chyW9ML8JVWwVVEPs~DVJr-pa_Ngfs4XhJJhQdLDMcJYTHhz~0uLOSNBHtT2A-473Zyo5qUcZr_a3Gp-dw5oUYjPIq8WQIbJLkJBf0giTa979wpmeXGA~7MN8K2kEbfUNYAWKyt_4dNrrX), as is Bionode’s (<https://www.bionode.net/>). To the extent you have specific questions, we will consider them. Apple does not agree to extend the period to review and object to Dr. Irazoqui to July 6.

Carson Olsheski
Desmarais LLP
230 Park Avenue
New York, NY 10169
212-808-2911 | direct

From: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>

Sent: Thursday, June 29, 2023 7:04 PM

To: Carson Olsheski <COlsheski@desmaraisllp.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips

<JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: [Ext] RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

****EXTERNAL EMAIL** This email originated from outside the company. Do not click on any link unless you recognize the sender and have confidence the content is safe.**

Carson,

We are not seeking a description of all of Dr. Irazoqui's past and planned future work in wearables. We are seeking an understanding of Dr. Irazoqui's current work on wearable devices, namely the wearable devices from Neurava and Bionide identified in his CV. There is insufficient information available on the commercial, wearable products Dr. Irazoqui is actively working on for us to determine this. This is a reasonable request.

Without this information, we object to the disclosure to Dr. Irazoqui. To streamline the dispute, we propose Apple agree to provide this information by early next week and extend the period to review and object to Dr. Irazoqui to July 6.

Best regards,
Kendall

Kendall Loebbaka
Partner
949-721-7687 Direct
Knobbe Martens

From: Carson Olsheski <COlsheski@desmaraisllp.com>

Sent: Thursday, June 29, 2023 3:14 PM

To: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Counsel,

Attached please find updated case information for Dr. Irazoqui.

Carson Olsheski
Desmarais LLP
230 Park Avenue
New York, NY 10169
212-808-2911 | direct

From: Carson Olsheski
Sent: Thursday, June 29, 2023 4:30 PM
To: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>; Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>
Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>
Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Counsel,

The biographic information you have requested regarding Dr. Irazoqui may be found in his CV and is set forth at a reasonable level of detail. Your email requests a narrative description of all of Dr. Irazoqui's past and planned future work in wearables, which is unreasonable. To the extent Dr. Irazoqui's work at Neurava and Bionide presents a potential basis for Masimo's objection to his receipt of designated materials, please identify the specific concern and we can obtain the information needed to address it. We'll get you the list of cases.

Best,

Carson Olsheski
Desmarais LLP
230 Park Avenue
New York, NY 10169
212-808-2911 | direct

From: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>

Sent: Thursday, June 29, 2023 3:44 PM

To: Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: [Ext] RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

****EXTERNAL EMAIL** This email originated from outside the company. Do not click on any link unless you recognize the sender and have confidence the content is safe.**

Counsel,

I write to follow up on my email below. Please provide the requested information today so that Masimo can timely evaluate Dr. Irazoqui.

Best regards,
Kendall

Kendall Loebbaka

Partner

949-721-7687 Direct

Knobbe Martens

From: Kendall Loebbaka <Kendall.Loebbaka@knobbe.com>

Sent: Tuesday, June 27, 2023 9:11 AM

To: Jamie Kringstein <JKringstein@desmaraisllp.com>; Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: RE: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Counsel

Upon reviewing Dr. Irazoqui's CV, Masimo understands that Dr. Irazoqui has worked in the industry on commercial wearable devices. For example, Dr. Irazoqui is a scientific advisor to Neurava LLC, which is commercializing a wearable device for epilepsy and SUDEP. Dr. Irazoqui also is a co-founder and CTO of Bionode, which has a commercial wearable device for glaucoma. To complete its evaluation of Dr. Irazoqui, Masimo requests that Apple provide additional information on Dr. Irazoqui's experience. Please describe Dr. Irazoqui's past and current experience related to wearable devices, including a description of such wearable devices, any physiological parameters that are noninvasively measured by such devices, as well as Mr. Davies's role, responsibilities, company, and time frame of his work. Please also provide information on any plans to work with wearable devices in the future.

Additionally, pursuant to Paragraph 12(a)(vi) of the Protective Order, please identify the cases Dr. Irazoqui has testified at deposition or trial. Dr. Irazoqui's Addendum to his CV lists his litigation history but fails to identify the cases.

So that Masimo may timely evaluate Dr. Irazoqui, please provide the requested information by the close of business on June 28.

Best regards,
Kendall

Kendall Loebbaka

Partner

949-721-7687 Direct

Knobbe Martens

From: Jamie Kringstein <JKringstein@desmaraisllp.com>

Sent: Wednesday, June 21, 2023 1:19 PM

To: Justin Gillett <Justin.Gillett@knobbe.com>; Jared Bunker <Jared.Bunker@knobbe.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>; Jack Phillips <JCP@PMHDELaw.com>; Megan C. Haney <mch@PMHDELaw.com>

Cc: Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Palapura, Bindu A. <bpalapura@potteranderson.com>; Moore, David E. <dmoore@potteranderson.com>; Milici, Jennifer <Jennifer.Milici@wilmerhale.com>; Greenfield, Leon <Leon.Greenfield@wilmerhale.com>; Vote, Dominic <Dominic.Vote@wilmerhale.com>; Ford, Mark <Mark.Ford@wilmerhale.com>

Subject: Apple v. Masimo (-1377, -1378) - Expert Disclosures

Counsel,

Pursuant to Section 12 of the Protective Order, Apple discloses Steven Warren, Majid Sarrafzadeh, Pedro Irazoqui, and Itamar Simonson as experts in this matter to whom Apple intends to disclose information designated pursuant to the Protective Order.

Please find attached Dr. Warren's CV, additional disclosures pursuant to Section 12(a) of the Protective Order, and a signed Exhibit A acknowledgment to the Protective Order.

Additionally, please find attached Dr. Sarrafzadeh's CV, additional disclosures pursuant to Section 12(a) of the Protective Order, and a signed Exhibit A acknowledgment to the Protective Order.

Additionally, please find attached Dr. Irazoqui's CV, additional disclosures pursuant to Section 12(a) of the Protective Order, and a signed Exhibit A acknowledgment to the Protective Order.

Finally, please find attached Dr. Simonson's CV, which includes an Appendix containing additional disclosures pursuant to Section 12(a) of the Protective Order, and a signed Exhibit A acknowledgment to the Protective Order. Dr. Simonson has nothing to disclose under Section 12(a) (iv) or (v) of the Protective Order.

Kind regards,
Jamie

Jamie L. Kringstein

DESMARAIS LLP

230 Park Avenue

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